

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 27, 2008

DIVISION ONE

B203445 People (Not for Publication)
v.
Perez

The order is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Weisberg, J. (Assigned)

B204643 People (Not for Publication)
v.
Newsome

The following mandatory fees and penalty assessments are imposed: \$20 court security fee for count 7 (§ 1465.8), \$50 laboratory analysis fee (Health & Saf. Code, § 11372.5), and penalty assessments of \$50 (§ 1464), \$10 (§ 1465.7), \$15 (Gov't Code, § 70372), \$35 (Gov't Code, § 76000), \$5 (Gov't Code, § 76104.6), and \$5 (Gov't Code, § 76104.7). The trial court is directed to amend the abstract of judgment to reflect these fees and assessments. The court is further directed to amend the abstract to reflect that the term imposed for the enhancement for count 5 was 3 years 4 months, the aggregate term is 32 years, and the enhancement for count 7 is a one-third, "violent consecutive" term. In all other respects, the judgment is affirmed.

Hastings, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B202102 People v. Williams (Not for Publication)

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

B194170 People (Not for Publication)
v.
Estrada

Appellant's conviction for carjacking (count 4) is dismissed. The sentence on count 3 is reduced to two and one-half years. The sentences on counts 1 and 3 are stayed pursuant to section 654. In all other respects the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a copy to the Department of Corrections and Rehabilitation.

Hastings, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

B204232 Williams (Not for Publication)
v.
Church's Chicken et al.

The judgment is affirmed. Defendants shall recover their ordinary costs on appeal.

Hastings, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B202058 M. Darlene Allen (Not for Publication)
 v.
 Supara Ratanasadudi

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur: Mallano, P.J.
 Hastings, J. (Assigned)

B200274 People (Not for Publication)
 v.
 Hratch Haladjian

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B201486 People (Not for Publication)
 v.
 Juan Nixon Hernandez

The judgment is affirmed.

Hastings, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B203929 People (Not for Publication)
v.
Raymond Earl Boyd

The sentences on counts 4 through 8 are stayed. The section 1465.8 court security fee is modified to be \$160. In all other respects, the judgment is affirmed. The trial court is directed to issue an amended abstract of judgment reflecting these modifications.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B204569 People (Not for Publication)
v.
Elwood Mitchell

The judgment is reversed. The trial court is directed to conduct an evidentiary hearing at which appellant will have an opportunity to present the testimony of Maria Jones. If appellant properly subpoenas Maria Jones and she fails to appear, the court is directed to issue a body attachment for Maria Jones and order the sheriff's department to execute it. If the testimony of Maria Jones is obtained, the trial court is directed to (1) vacate its order denying appellant's suppression motion, (2) consider Jones's testimony in conjunction with the testimony previously given in support of, and opposition to, the motion to suppress, and (3) rule upon the motion. If the court again denies appellant's suppression motion, the trial court shall reinstate the judgment. If the court grants appellant's suppression motion, appellant must be permitted to withdraw his plea of nolo contendere. If the testimony of Maria Jones cannot be obtained after affording appellant compulsory process, the trial court shall reinstate the judgment.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B198073 People v. Reeves (Not for Publication)

The judgment is modified to reflect 1,826 days of precommitment conduct credit and a total of 5,481 days of credit, and to reflect four \$20 court security fees. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment that reflects these modifications and that indicates appellant admitted one prior conviction within the meaning of the three strikes law. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B210306 People v. Hayes (Not for Publication)

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B205175 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (continued)

B205284 People v. Stockton (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION THREE

[illegible]

The maximum term of confinement is ordered stricken from the minute order. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B203450 People (Not for Publication)
v.
Ivan McAteer

The judgment is reversed. The matter is remanded to the trial court to allow McAteer to withdraw his plea should he choose to do so.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B199971 Noel Hines (Certified for Publication)
 v.
 Pat Lukes

The appealed order is modified to include an appealable judgment. That judgment is reversed with directions to the trial court to either enter a formal judgment setting forth all of the material settlement terms that have yet to be fully performed or, if the court finds that the parties failed to agree to all material terms, deny the motion for entry of judgment pursuant to a settlement. The stay of trial court proceedings will be lifted as of the date of the filing of the remittitur herein. Lukes is entitled to recover her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B200406 People (Not for Publication)
 v.
 Perez

The trial court is directed to correct the minute order and the abstract of judgment by imposing a court security fee of \$20 for each of defendant's seven convictions and ordering the sentence in this case and case number VA086244 to be served consecutively. The court is directed to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
 Manella, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and D. Nolan, Deputy Clerk.

Each of the following:

B203438 People v. Hudson
B205855 People v. Ruiz
B203190 People v. Butler

Argument waived, cause submitted.

B204853 FV-1 Inc.
 v.
 Quality Loans

Merits:

Argued by Daniel J. Goulding for appellant. No appearance by respondent pursuant to CRC 8.220. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B205895 People v. Ross
B208326 In re J.C. (DCFS v. A.C.)
B208447 People v. Anderson

Argument waived, cause submitted.

DIVISION FIVE (continued)

B207093 Michael Regan
 v.
 Los Angeles Unified School District

Merits:
Argued by Michele M. Goldsmith for respondent. Appellant waived oral argument. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B207771 In re J.C.; DCFS v. L.C.
B202231 People v. Scott

Argument waived, cause submitted.

B203082 Katherine Walters
 v.
 George V. Weidman

Merits:
Argued by Mark S. Novak for appellant and by Stuart L. Leviton for respondent. Request to file additional letter briefs granted. Letter briefs are due November 11, 2008 by 4:30 p.m. Submission deferred. Cause to be submitted on 11-11-08 at 4:30 p.m.

DIVISION FIVE (continued)

B209464 Los Angeles County, D.C F.S.
 v.
 C.C.
 In re E.C., et al

Merits:

Argued by O. Raquel Ramirez, Deputy County Counsel for appellant, by Jennifer Mack for minor I.C., Eva Chick, for minors A.C .and Al. C., by Aida Aslanian, for minor El.C., by Joseph D. MacKenzie, for minor E.C. and by Merrill Toole for respondents C.C. and Y.R. Cause submitted.

Court recessed.

Court reconvened at 2:35 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B205550 People v. Haggerty
B203175 People v. Minks
B205562 People v. J.G.
B201988 People v. Rubin
B206199 People v. Romine

Argument waived, cause submitted.

B205025 California Insurance Guarantee Assn.
 v.
 Worker's Compensation Appeals Board
 (Zachary Thomas, et al., r.p.i.)

Merits:

Argued by Richard Guilford for petitioner and by David Goi, for State Compensation Insurance Fund and by Jack Breslausky for respondent. Cause submitted.

DIVISION FIVE (continued)

B204524 Artour Hagopian

v.

Raymond Barron, et al.,

Merits:

Argued by Ralph S. Greer for appellant and by Paul M. Mahoney for respondents. Cause submitted.

Court adjourned.

B201855 Janice Sharp, et al.,

v.

City of Pasadena

Paul Anderson and Elizabeth Anderson, Indymac Bank

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B209525 Santa Barbara County Coalition
Against Automobile Subsidies

(Certified for Publication)

v.

Santa Barbara County Association of Governments

The judgment is affirmed. Costs on appeal are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B199709 People (Not for Publication)
v.
Gayton, et al.

The judgments are affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B197272 Stansbury (Not for Publication)
v.
Bronn

The judgment is affirmed. The postjudgment order is reversed to the extent it awards Bronn \$13,482.79 in attorney fees. In all other respects, the post judgment order is affirmed. Each party is to bear his or her own costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B210513 Robin Singh Educational Services
v.
Blueprint Test Preparation

B210775 Robin Singh Educational Services
v.
Blueprint Test Preparation

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B200999 People (Certified for Publication)

V.

Michael John Bergin

The order is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B200422 People (Not for Publication)

V.

Rodney Stanford

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.

Bigelow, J.

B202400 People (Not for Publication)

V.

Darion Elliott

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.

Bigelow, J.

DIVISION EIGHT (continued)

B203240 People (Not for Publication)
v.
George Lobato

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Bigelow, J.

B194103 Alamo Medical Supply & Equipment (Not for Publication)
v.
Jehan Zeb Mir

For the reasons set forth above, the judgment is affirmed. Because respondent did not appear, it shall not be awarded appellate costs.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B199164 People (Not for Publication)
v.
Wade Anthony Morman

Morman's convictions on counts 2, 3, 4, 5, 6 and 7 are affirmed. The cause is remanded to the trial court to modify Morman's sentence in accord with this opinion, and to prepare a corrected abstract of judgment.

Bigelow, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT(continued)

B194474 People (Not for Publication)
v.
Alfredo Jaimes

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Bigelow, J.

B198634 People (Not for Publication)
v.
Eric Wright

The abstract of judgment shall be modified to strike the condition that reads, "not own, use or posses any dangerous or deadly weapons, including any firearms, knives or other concealable weapons." In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B194598 Doug Williams (Certified for Publication)
v.
Larry Russ et al.,

For the reasons set forth above, the judgment dismissing William's complaint is affirmed. Respondents shall recover their appellate costs.

Rubin, J.

We concur: Cooper, P.J.
Bigelow, J.